

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:21-CV-147-DCK**

CLIFFORD THOMAS NICHOLSON,

Plaintiff,

v.

KILO KIJAKAZI,

Acting Commissioner Of Social Security,

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on “Defendant’s Consent Motion For Entry Of Judgment With Remand Under Sentence Four of 42 U.S.C. § 405(g)” (Document No. 14) filed May 6, 2022. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of the parties, the undersigned will grant the motion.

Based on the parties’ agreement and applicable authority, the Court will direct that the Commissioner’s decision be reversed pursuant to 42 U.S.C. § 405(g) and that this matter be remanded to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Defendant here has moved for reversal of the decision below and for a remand of this case for further administrative proceedings. (Document No. 14). For the reasons stated in Defendant’s motion, the Court finds that remand is appropriate.

IT IS, THEREFORE, ORDERED that “Defendant’s Consent Motion For Entry Of Judgment With Remand Under Sentence Four of 42 U.S.C. § 405(g)” (Document No. 14) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff’s “Motion For Summary Judgment” (Document No. 10) be **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter a separate Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and that this matter be **CLOSED**.

SO ORDERED.

Signed: May 6, 2022



David C. Keesler
United States Magistrate Judge

